



During the October 5 hearing, the parties advised that a date for Plaintiff's deposition has been identified and Defendant confirmed that Plaintiff has now responded to the Discovery Requests such that the Motion to Compel was moot to the extent it sought an Order compelling Plaintiff's responses. Defendant also withdrew its request for sanctions beyond an award of expenses pursuant to Rule 37.

Defendant maintained its request for an award of fees and costs associated with the Motion and the parties presented their arguments on that issue.

**IT IS THEREFORE ORDERED THAT:**

1. To the extent Defendant's Motion to Compel and Motion for Sanctions (Doc. 30) seeks an Order compelling Plaintiff to respond to the Discovery Requests or to provide a date for Plaintiff's deposition, or imposing sanctions other than an award of attorneys' fees and costs, the Motion is **DENIED AS MOOT.**

2. To the extent the Motion seeks an award of attorneys' fees and costs pursuant to Rule 37(a)(5) of the Federal Rules of Civil Procedure, the Motion is **DENIED**, as the Court has concluded in the exercise of its discretion that such an award is not required under the circumstances presented here.

Signed: October 5, 2022

A handwritten signature in black ink, reading "W. Carleton Metcalf", written over a horizontal line.

W. Carleton Metcalf  
United States Magistrate Judge

